

02- R-2151

Entered 06-12-00-sb  
CL 00L0339 - GWENDOLYN BURNS

**CLAIM OF: ANNE ALLOUCHERY**  
through her attorney,  
**Charles L. Ruffin, Esq.**  
P. O. Box 5047  
Macon, Georgia 31208-5047

For bodily injuries alleged to have been sustained  
from riding a bicycle over the opening of a storm  
sewer that was negligently constructed on April 18,  
2000 at North Avenue & West Peachtree Street.

THIS ADVERSED REPORT IS  
APPROVED

BY: Rosalind Rubens Newell  
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY

ADVERSED BY  
CITY COUNCIL JAN 06 2003

## ADVERSE REPORT

COMM: \_\_\_\_\_

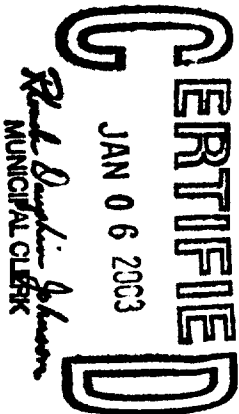
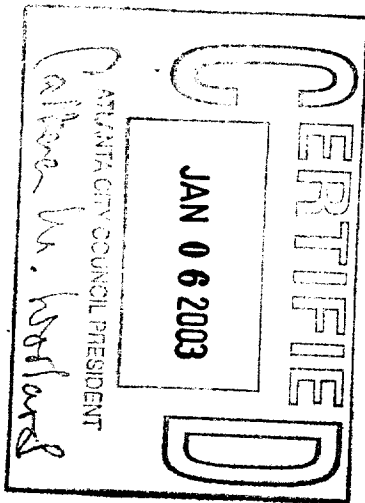
DATE: \_\_\_\_\_

CHAIR: \_\_\_\_\_

Carla Smith

C. T. Newell

H. L. Stone





## OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103

January 14, 2003

Charles L. Ruffin  
Attorney at Law  
P.O. Box 5047  
Macon, GA 31208-5047

02-R-2151

RE: Anne Allouchery

Dear Attorney Ruffin:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on January 03, 2003. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0339

Date: November 26, 2002

Claimant /Victim ANNE ALLOUCHERY  
BY: (Atty) (Ins. Co.) Charles L. Ruffin, Esq.,  
Address: Suite 300, 340 Interstate North Parkway, Atlanta, Georgia 30339  
Subrogation: Claim for Property damage \$ unspecified Bodily Injury \$  
Date of Notice: 6/8/00 Method: Written, Proper X Improper  
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
Date of Occurrence 4/18/00 Place: North Avenue & West Peachtree Street  
Department PUBLIC WORKS Division Sewer Operations  
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleged that she sustained bodily injuries when her bicycle tires entered a storm sewer grate that was negligently constructed by the City whereas the intake opening to the storm sewer ran parallel to the curb on North Avenue/Peachtree Street, thereby allowing bicycle tires to enter the storm sewer grate. However, the claimant has failed to substantiate and pursue her claim. Notwithstanding this fact, a site inspection by the Sewer Division of the location revealed that the intake to the storm drains were properly constructed.

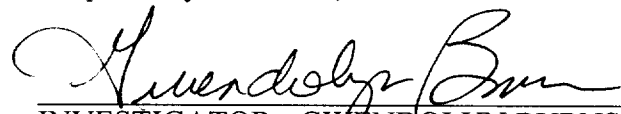
INVESTIGATION:

Statements: City employee X Claimant Others Written X Oral  
Pictures Diagrams Reports: Police Dept Report Other  
Traffic citations issued: City Driver Claimant Driver  
Citation disposition: City Driver Claimant Driver

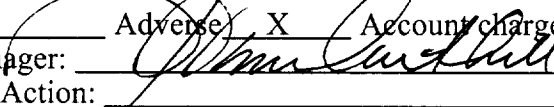
BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial  
Improper Notice More than Six Months Other Damages reasonable  
City not involved Offer rejected Compromise settlement  
Repair/replacement by Ins. Co. Repair/replacement by City Forces  
Claimant Negligent City Negligent Joint Claim Abandoned X

Respectfully submitted,

  
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2P01 2H01  
Claims Manager:  Concur/date 11-27-02  
Committee Action: Council Action

RCS# 4344  
1/06/03  
2:10 PM

Atlanta City Council

Regular Session

CONSENT I

Pgs. 1-7; Except 02-O-1853; 02-R-1770  
02-R-2007; 02-R-2056  
ADOPT

YEAS: 11  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 5  
EXCUSED: 0  
ABSENT 0

Y Smith	Y Archibong	Y Moore	NV Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
NV Young	Y Shook	Y Maddox	NV Willis
Y Winslow	NV Muller	Y Boazman	NV Woolard

CONSENT I

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**1/06/03 Council Meeting**

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**ITEMS ADOPTED ON CONSENT  
AGENDA**

1. 02-O-2008
2. 02-O-2071
3. 02-O-2175
4. 02-O-2170
5. 02-O-2171
6. 02-O-2024
7. 02-O-2172
8. 02-R-2130
9. 02-R-2157
10. 02-R-2158
11. 02-R-2159
12. 02-R-2186
13. 02-R-1964
14. 02-R-1965
15. 02-R-2067
16. 02-R-2134
17. 02-R-2135
18. 02-R-2136
19. 02-R-2137
20. 02-R-2138
21. 02-R-2139
22. 02-R-2140
23. 02-R-2141

**ITEMS ADVERSED ON CONSENT  
AGENDA**

24. 02-R-2142
25. 02-R-2143
26. 02-R-2144
27. 02-R-2145
28. 02-R-2146
29. 02-R-2147
30. 02-R-2148
31. 02-R-2149
32. 02-R-2150
33. 02-R-2151
34. 02-R-2152
35. 02-R-2153
36. 02-R-2154
37. 02-R-2155
38. 02-R-2156

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Consent I Vote: 11 Yeas; 0 Nays (See RCS #4344)

Items Removed from the Consent Agenda: 02-O-1853; 02-R-1770; 02-R-2007; 02-R-2056